

**REMARKS**

**Phone Conferences**

Applicants wish to thank the Examiner for his time on January 27, 2011 for suggesting and discussing proposed claim amendments to be included in the response.

**Status of the Claims**

Claims 1-4, 9 and 10 are pending. Claims 1-4 have been amended to more clearly recite the claimed invention. No new matter is added by the claim amendments. Support for the amendments can be found throughout the specification and figures as filed, including the originally filed claims. For example, in claim 1, support for the blind bore being coupled to the rotatably driven pin of the rotating mechanism can be found, e.g., in paragraphs [0045], [0047], and Figures 1-3b of the published application; support for the lid being held through frictional contact while lifted off the reaction vessel can be found, e.g., in paragraphs [0021] to [0024]; and support for handling arm and the gripper's rotation of the lid can be found, e.g., in paragraphs [0013], [0037] and [0051]. In claim 2, support for the configuration of the claimed insertion slopes can be found, e.g., in paragraphs [0042], [0049], and Figures 2a-3b. In claims 3 and 4, support for the configuration and dimension of the claimed cutting webs can be found, e.g., in paragraph [0043].

Applicants respectfully request entry of the present claim amendments.

**Claim Interpretations**

The Examiner asserts that in claim 1, Applicants have apparently attempted to define the claimed invention in relationship to how the respective elements are intended to be used or function with unclaimed elements of the device. Furthermore, the Examiner asserts that

claim 1 includes certain recitations that are intended use and/or conditional usage, which do not further structurally limit the device.

To address the Examiner's concerns, solely to facilitate prosecution and without necessarily acquiescing to the Examiner's interpretations, Applicants have presently amended claims 1-4 to more clearly recite the claimed device.

### **Claim Objections**

The Examiner has objected to claim 1, asserting that it is not clear whether the recitation of "one more reaction vessels" in line 3 of the claim is the same as the "one or more reaction vessels" in the preamble of the claim.

Applicants have amended claim 1 to add the definite article "the" before "one or more reaction vessels" in line 3 of the claim to clarify that it is the same as in the preamble. Thus, applicants respectfully request the withdrawal of the objection.

The Examiner has objected to claim 2, asserting that the recitation should be, e.g., "wherein the gripping jaws comprise insertion slopes at the lower edges of the gripping surfaces."

Applicants would like to thank the Examiner for his suggestion. Applicants have amended claim 2 to recite "wherein the gripping jaws comprise insertion slopes running downwards and radially outwards from lower edges of the gripping surfaces." Thus, applicants respectfully request the withdrawal of the objection.

### **Claim Rejections under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 1-4, 9 and 19 under § 112, Second Paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's have amended claims 1-4 to more clearly describe the claimed invention, solely to facilitate prosecution and without acquiescence in the Examiner's rejections.

For example, the language of claim 1 now specifically describes the configuration of the handling arm, the rotating mechanism, and the gripper and how they operate to "open and close" the lid with respect to the reaction vessels.

Claim 2 has been amended to more clearly recite the location of the claimed insertion slopes, as suggested by the Examiner. (See claim objection to claim 2 above.)

Claim 3 and 4 have been amended to more clearly describe the configuration and dimension of the claimed cutting webs.

Therefore, based on the foregoing, Applicants respectfully request withdrawal of all of the § 112, Second Paragraph rejections.

#### **Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1-4 under § 103(a) as being unpatentable over Marino (US 6,132,684) in view of Besnier (US 5,533,407), and further in view of Burt et al. (US 4,674,340). The Examiner asserts, in part, that Marino discloses a holding apparatus essentially as claimed, except for the rotating mechanism of the claimed invention for removing the lids off of the reaction vessels. However, the Examiner alleges that Besnier makes up for Marino's shortcoming by describing a rotating mechanism for that purpose. The Examiner also concedes that Besnier and/or Marino do not teach a passive gripper without the active gripping/operating device, however the Examiner alleges that Burt et al. makes up for the shortcomings of Besneir and Marino by describing grippers with such characteristics.

Applicants respectfully traverse the rejections. Applicants assert that the disclosures of Marino, Besnier, and/or Burt et al., either separately or in combination, do not disclose each and every element of the presently claimed invention. Specifically, the device as presently claimed includes gripping jaws which hold the lid through frictional contact while the lid is lifted off the reaction vessel. Furthermore, the device as presently claimed comprises a

handling arm including a rotatably driven pin that is fixed in the blind bore of the gripper and rotates the gripper with the inserted lid clockwise/counterclockwise with respect to the longitudinal axis the reaction vessels. Thus disclosures of Marino, Besnier, and/or Burt et al., either separately or in combination do not teach all of the elements of claim 1 and its dependents.

The Examiner has rejected claims 9 and 10 under § 103(a) as being unpatentable over Marino in view of Besnier, and further in view of Hansen et al. (US 2003/0038071). The Examiner asserts, in part, that modified Marino essentially describes the device of claims 9 and 10 except for the projections provided at the holes of the plates. However, the Examiner alleges that Hansen makes up for modified Marino by disclosing such projections.

Applicants respectfully traverse the rejections. Again, as discussed above, Applicants assert that the disclosures of Marino, Besnier, and/or Burt et al., either separately or in combination, do not disclose each and every element of the presently claimed invention. The device, as presently claimed and as discussed above, includes structural elements that are not described or suggested by any of the disclosures of Marino, Besnier, and/or Burt et al. The addition of Hansen et al. does not provide these missing elements.

For the reasons set forth above, the amended independent claim 1 may no longer be rejected as obvious over Marino, Besnier, and/or Burt et al. Withdrawal of the §103(a) rejection is respectfully requested.

The remaining claims 2-4, 9, and 10 ultimately depend upon claim 1 and therefore may no longer be rejected as obvious over Marino, Besnier, Burt et al. and/or Hansen et al. Withdrawal of the §103(a) rejection of the dependent claims is also respectfully requested.

## CONCLUSION

The Applicants believe that all claims in the application are in condition for allowance and such action is respectfully requested.

This submission is accompanied by a Request for Continued Examination and an RCE fee under 1.17(e). No other fee is believed to be due at this time, however, the Commissioner is authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 50-0812.

If the examiner believes that a telephone conversation would expedite the prosecution of this application, please call the undersigned at the number below.

Date: February 11, 2011

Respectfully Submitted,

Correspondence Address

**Roche Molecular Systems, Inc.**  
4300 Hacienda Drive  
Pleasanton, CA 94588  
Tel: 925-730-8560  
Fax: 925-225-1128

/Reza Savari/

---

M. Reza Savari  
Reg. No. 47,920